

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING as Owner and Operator of M/T
Mackenzie Rose, (IMO No. 8968765), *et al.*

Civil Action No. 2:24-cv-00490-MSD-LRL

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY’S AND
EVANSTON INSURANCE COMPANY’S MOTION FOR SUMMARY JUDGMENT**

Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”) and Evanston Insurance Company (“Evanston”), by counsel, pursuant to Fed. R. Civ. P. 56 and Local Rule 56, move for summary judgment on their Claims in this case and the Limitation Complaint filed by Petitioner Coeymans Marine Towing, LLC d/b/a Carver Marine Towing (“Carver”).

As set forth in the accompanying memorandum, the Belt Line and Evanston are entitled to judgment as a matter of law on their Claims, and Carver is not entitled to exoneration or limitation of liability under the Limitation Act. The Oregon Rule and ample evidence of Carver’s fault for the allision establish its liability, while Carver’s privity and knowledge of the conditions that caused the allision and its unclean hands prevent limitation of liability.

WHEREFORE, the Belt Line and Evanston respectfully request that this Court:

- (1) dismiss Carver’s Complaint for Exoneration from or Limitation of Liability;
- (2) grant the Belt Line and Evanston judgment on their Claims against Carver in an amount to be proven at trial; and
- (3) award the Belt Line and Evanston all other just and necessary relief.

Dated: August 27, 2025

NORFOLK AND PORTSMOUTH BELT
LINE RAILROAD COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all registered counsel of record, and mailed to:

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